



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

July 15, 2022

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies ("Defendants") in the above-captioned lawsuit brought pursuant to the Freedom of Information Act ("FOIA"). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court's Order dated May 19, 2022 (ECF No. 168).

Since the last report, the undersigned has made additional progress on the issue of fees in this matter, although this process is not yet complete. More specifically, the undersigned has obtained the necessary approvals from one of the relevant agencies. As noted in the parties' last report, the undersigned had to take several weeks of additional personal leave for family support reasons. Counsel has very recently returned to the Office and is now preparing for a jury trial set for the first week of August before Judge Rakoff. As the undersigned has represented to the Plaintiffs, however, the Government is hopeful that the parties will understand by the end of this summer, at the latest, whether any further judicial assistance in this matter will be necessary. In light of these circumstances, and anticipating that there may be some availability issues of relevant agency counsel and decision-makers in the latter part of August, the parties jointly and respectfully request permission to provide another status report to the Court no later than September 16, 2022. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

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Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
7/20/22